

**IN THE CIRCUIT COURT
FOR BALTIMORE CITY, MARYLAND**

JESSE JAMES FRANCIS
2025 DEMBURY DRIVE
DUNDALK, MD 21222

and

JOSHUA ISAIAH JONES
9165 SPRINGHILL LANE
GREENBELT, MD 20770
Plaintiffs

V.

UNIVERSITY OF BALTIMORE
SERVE ON: JOYCE MILLER, MARYLAND
STATE TREASURER'S INSURANCE DIRECTOR
80 CALVERT STREET
ANNAPOLIS, MD 21401
Defendant

CASE NO. 24-C-24-001720

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STATE TREASURER'S OFFICE

COMPLAINT

Plaintiffs, JESSE JAMES FRANCIS and JOSHUA ISAIAH JONES, through undersigned counsel, and for their cause of action against Defendant, University of Baltimore, alleges the following:

PARTIES

1. Plaintiff, Jesse James Francis, is a citizen of Baltimore County, Maryland, with a residence at 2025 Dembury Drive, Dundalk, Maryland 21222.
2. Plaintiff, Joshua Isaiah Jones, is a citizen of Prince George's County, Maryland, with a residence at 9165 Springhill Lane, Greenbelt, MD 20770.
3. Defendant, University of Baltimore, is a public university in the state of Maryland, located at 1420 N Charles Street, Baltimore, Maryland 21202.

JURISDICTION AND VENUE

4. Baltimore City is an appropriate venue because Defendant is located in Baltimore City, Maryland.

PROCEDURAL BACKGROUND

5. On April 26, 2023, the State of Maryland's Treasurer's Office acknowledged receipt of both Plaintiffs' claims under the Maryland Torts Claim act.
6. Both claims were denied.

FACTS

7. Plaintiff, Jesse Francis ("Mr. Francis") was a student at the University of Baltimore.
8. Plaintiff, Joshua Jones ("Mr. Jones") was a student at the University of Baltimore.
9. The University of Baltimore is a public university that is part of the University System of Maryland ("the University").
10. At all relevant times, Mr. Francis and Mr. Jones were Honor Students and a member of several campus organizations.
11. Both Mr. Francis and Mr. Jones are disabled veterans of the United States military.
12. On April 29, 2022, a female student accused Mr. Jones of stalking her and filed a complaint with the University of Baltimore.
13. The aforementioned female student brought an unidentified male to the University of Baltimore campus.
14. The unidentified male and female student entered the Veteran's Center, where Mr. Jones worked.
15. After the female students point to Mr. Jones, the unidentified male attacked him.
16. There is video footage of the unidentified male and the female student arm in arm waiting

for the elevator together.

17. The female student was never disciplined, nor was this incident ever investigated.

18. On October 1, 2022, a female student accused Mr. Francis of harassing her.

19. Disciplinary proceedings against Mr. Francis were initiated, however, no Title IX investigation was ever conducted by the University of Baltimore.

20. The claims made against Mr. Francis were found to be unsubstantiated after a hearing.

COUNT I: VIOLATION OF 20 U.S.C. §1681 (TITLE IX)
(JOSHUA JONES)

21. Plaintiffs incorporate by reference paragraphs 1-20 as if fully set forth under this Count and further allege:

22. At all relevant times, Mr. Jones identified as a male.

23. Mr. Jones was accused of stalking on April 29, 2022.

24. At all relevant times, Mr. Jones' accuser identified as a female.

25. At all relevant times, both Mr. Jones and his accuser were students at the University of Baltimore.

26. Notwithstanding the above-captioned facts, there was no objective investigation into the veracity of the claims being made by the accuser.

27. Any investigation into the claims made by the accuser focused solely on obtaining proof to support the accusations.

28. Mr. Jones contends that these circumstances give rise to an inference of discrimination, namely an individual who identifies as a female accusing an individual who identifies as a male of sexual misconduct.

29. Any reason given for the actions and omissions of the Defendant is a pretext for discrimination.

30. As a result of the actions and omissions of the Defendant, and Defendant's agents, Mr. Jones has suffered damages in the form of mental anguish, emotional distress, and humiliation.

WHEREFORE, Plaintiff Jones respectfully requests Judgment in his favor against Defendant for \$400,000.00 in compensatory and punitive damages, plus costs, reasonable attorney's fees, and for such other relief that justice requires.

COUNT II: VIOLATION OF 20 U.S.C. §1681 (TITLE IX)
(JESSE FRANCIS)

31. Plaintiffs incorporate by reference paragraphs 1-30 as if fully set forth under this Count and further allege:

32. At all relevant times, Mr. Francis identified as a male.

33. Mr. Francis was accused of harassment on October 1, 2022 by Madison Vitale.

34. At all relevant times, Madison Vitale identified and presented herself as a female.

35. At all relevant times, both Mr. Francis and Madison Vitale were students at the University of Baltimore.

36. Notwithstanding the above-captioned facts, there was no objective investigation into the veracity of the claims being made by Madison Vitale.

37. Any investigation into the claims made by Madison Vitale focused solely on obtaining proof to support the accusations.

38. Mr. Francis contends that these circumstances give rise to an inference of discrimination, namely an individual who identifies as a female accusing an individual who identifies as a male of sexual misconduct.

39. Any reason given for the actions and omissions of the Defendant is a pretext for discrimination.

40. As a result of the actions and omissions of the Defendant, and Defendant's agents, Mr. Francis has suffered damages in the form of mental anguish, emotional distress, and humiliation.

WHEREFORE, Plaintiff Francis respectfully requests Judgment in his favor against Defendant for \$400,000.00 in compensatory and punitive damages, plus costs, reasonable attorney's fees, and for such other relief that justice requires.

COUNT III: VIOLATION OF
THE AMERICANS WITH DISABILITIES ACT
DISCRIMINATORY PRIVILEGES AND SERVICES PROVIDED
(JOSHUA JONES)

41. Plaintiffs incorporate by reference paragraphs 1-40 as if fully set forth under this Count and further alleges:

42. At all relevant times, Mr. Jones suffered from a disability as defined by 42 U.S.C. §12102, to wit, a physical impairment that substantially limited major life activities, including eating, sleeping, concentrating, thinking, communicating, and working.

43. Discrimination against a qualified individual on the basis of disability in regard to participation in, benefits of, or subjection to discrimination, under any program or activity receiving federal financial assistance is prohibited. 29 U.S.C. §794.

44. Mr. Jones was accused of stalking on April 29, 2022.

45. At all relevant times, both Mr. Jones and his accuser were students at the University of Baltimore.

46. Notwithstanding the above-captioned facts, there was no objective investigation into the veracity of the claims being made by the accuser.

47. Any investigation into the claims made by the accuser focused solely on obtaining proof to support the accusations.

48. Mr. Jones contends that these circumstances give rise to an inference of discrimination, namely an individual with a combat-related disability accused of sexual related misconduct.

49. Any reason given for the actions and omissions of the Defendant is a pretext for discrimination.

50. As a result of the actions and omissions of the Defendant, and Defendant's agents, Mr. Jones has suffered damages in the form of mental anguish, emotional distress, and humiliation.

WHEREFORE, Plaintiff Jones respectfully requests Judgment in his favor against Defendant for \$400,000.00 in compensatory and punitive damages, plus costs, reasonable attorney's fees, and for such other relief that justice requires.

**COUNT IV: VIOLATION OF
THE AMERICANS WITH DISABILITIES ACT
DISCRIMINATORY PRIVILEGES AND SERVICES PROVIDED
(JESSE FRANCIS)**

51. Plaintiffs incorporate by reference paragraphs 1-50 as if fully set forth under this Count and further alleges:

52. At all relevant times, Mr. Francis suffered from a disability as defined by 42 U.S.C. §12102, to wit, a physical impairment that substantially limited major life activities, including eating, sleeping, concentrating, thinking, communicating, and working.

53. Discrimination against a qualified individual on the basis of disability in regard to participation in, benefits of, or subjection to discrimination, under any program or activity receiving federal financial assistance is prohibited. 29 U.S.C. §794.

54. Mr. Francis was accused of harassment on October 1, 2022.

55. At all relevant times, both Mr. Francis and Madison Vitale were students at the University of Baltimore.

56. Notwithstanding the above-captioned facts, there was no objective investigation into the veracity of the claims being made by Madison Vitale.

57. Any investigation into the claims made by Madison Vitale focused solely on obtaining proof to support the accusations.

58. Mr. Francis contends that these circumstances give rise to an inference of discrimination, namely an individual with a combat-related disability accused of sexual related misconduct.

59. Any reason given for the actions and omissions of the Defendant is a pretext for discrimination.

60. As a result of the actions and omissions of the Defendant, and Defendant's agents, Mr. Francis has suffered damages in the form of mental anguish, emotional distress, and humiliation.

WHEREFORE, Plaintiff Jones respectfully requests Judgment in his favor against Defendant for \$400,000.00 in compensatory and punitive damages, plus costs, reasonable attorney's fees, and for such other relief that justice requires.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request:

- A. Enter Judgment in Plaintiffs' favor and against the Defendant for violation of their state and federal civil rights;
- B. Award Plaintiffs \$800,000 in compensatory damages, including, but not limited to mental anguish, emotional distress, and humiliation;

- C. Award Plaintiffs costs, attorney's fees, and other expenses; and
- D. For such further relief that justice might require.

JURY TRIAL PRAYER

Plaintiff requests Trial By Jury in this matter.

Respectfully Submitted,

Andrea D. Smith, Esq., ID 1406170267
9701 Apollo Drive, Suite 100
Largo, MD 20772
301-543-9685
andrea.smith@smithlawllc.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing, along with any Summons, will be personally served by private process server to:

University of Baltimore
Serve On: Joyce Miller, Maryland State Treasurer Insurance Director
80 Calvert Street
Annapolis, MD 21401

Andrea Smith, Esq.

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